

Assembly Bill No. 75

CHAPTER 1331

An act to amend, repeal, and add Sections 443.32 and 1216 of, to add and repeal Section 16709.5 of, to add and repeal Part 6.9 (commencing with Section 1189.101) of Division 1 of, to add and repeal Chapter 1.2 (commencing with Section 24160) of Division 20 of, the Health and Safety Code, to amend, repeal, and add Section 16709 of, to add and repeal Section 14148.6 of, to add and repeal Part 4.7 (commencing with Section 16900) of Division 9 of, to repeal, add, and repeal Section 14148.5 of, the Welfare and Institutions Code, relating to health care, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

LEGISLATIVE COUNSEL'S DIGEST

AB 75, Isenberg. Health care.

Under existing law, each hospital is required to report summary financial and utilization data, quarterly, to the Office of Statewide Health Planning and Development. The reports are required by existing law to contain specified information.

This bill would, until July 1, 1991, require the Office of Statewide Health Planning and Development to adopt guidelines for the identification, assessment, and reporting of charity care services.

This bill would also, commencing January 1, 1991, revise the information which must be included in the reports submitted to the Office of Statewide Health Planning and Development by hospitals.

Under existing law, the State Department of Health Services is responsible for the administration and oversight of various health care programs.

The bill would until July 1, 1991, create the Tobacco Education Oversight Committee, to advise the State Department of Health Services and the State Department of Education on tobacco education programs funded pursuant to this bill, to facilitate programs directed at reducing and eliminating tobacco use, make recommendations to those departments regarding the most appropriate criteria for the selection of, and standards of the operation of, and the types of programs to be funded under this bill, and to develop a master plan, to be submitted to the Legislature, for implementing tobacco education programs throughout the state. Members of the committee would be appointed by the Speaker of the Assembly, the Senate Rules Committee, the Superintendent of Public Instruction, and the Governor, as specified.

The bill would, until July 1, 1991, require the committee to report to the Legislature on or before January 1 of each year on the number

and amount of tobacco education programs funded by the Health Education Account in the Cigarette and Tobacco Products Surtax Fund.

The bill would, until July 1, 1991, require the State Department of Health Services to contract for an initial baseline survey and followup surveys of attitudes and behavior regarding tobacco use and a description of information received by the public regarding smoking and tobacco use.

The bill would, until July 1, 1991, require the State Department of Health Services to produce or contract for a description of programs recognized as effective in reducing smoking and tobacco use.

The bill would, until July 1, 1991, require the State Department of Health Services to establish, within the department, a program on tobacco use and health to promote the study of effective tobacco use interventions and behavior programs, and to evaluate and report to the Legislature on January 1 of each year, commencing January 1, 1992, on tobacco education programs.

The bill would, until July 1, 1991, require the State Department of Health Services to assist the State Department of Education on various aspects of tobacco education programs.

The bill would, until July 1, 1991, require the State Department of Health Services to contract for the implementation of public awareness of tobacco-related diseases using a variety of media approaches.

The bill would, until July 1, 1991, require the State Department of Health Services to issue guidelines for local plans for education against tobacco use and to provide local agencies with assistance, as specified, regarding local health education programs.

The bill would, until July 1, 1991, require the State Department of Health Services to award and administer grants for projects directed at the prevention of tobacco-related diseases.

The bill would, until July 1, 1991, require the State Department of Health Services to expand the Child Health Disability Prevention Program, as specified.

The bill would, until July 1, 1991, require the State Department of Education to award and administer grants for projects directed at the prevention of tobacco use among school-age children.

The bill would, until July 1, 1991, require county offices of education to provide technical assistance and training to school districts and consortia of school districts regarding planning and preparation of antitobacco campaigns, receive and approve plans submitted by school districts, provide technical assistance and guidance as necessary to ensure the compliance of school districts with this bill, certify to the State Department of Education that a school district has met certain conditions for the release of funds for antitobacco programs, and provide for coordination between school districts and local antitobacco use programs funded by the local antitobacco program lead agency pursuant to this bill.

The bill would, until July 1, 1991, create the Tobacco Education Fund.

Under existing law, the State Department of Health Services administers a variety of programs related to the provision of health care. Under existing law, counties are responsible for the provision of assistance, including health care services, for the indigent.

This bill would, until July 1, 1991, create a program under which the State Department of Health Services would reimburse the costs incurred by selected clinics in providing medical services and preventative health care, as specified, to persons who meet specified income eligibility standards. This bill would specify an application process for the receipt of funds under the program.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance and certain other low-income persons. The Medi-Cal program is funded by federal and state funds, and administered by the State Department of Health Services. Federal financial participation, through the federal medicaid program, is contingent upon approval of the state plan for the provision of health services through the Medi-Cal program.

Existing law provides for purposes of the Medi-Cal program a schedule of benefits for those persons meeting certain eligibility requirements.

This bill would specify, until July 1, 1991, that perinatal services shall be provided under the Medi-Cal program to pregnant women and infants, as defined, in families with incomes above 185% of, but not more than 200% of, the federal poverty level.

Existing law requires the county in which a person resides to determine a person's eligibility for Medi-Cal benefits and continued eligibility.

To the extent this bill would increase the counties' responsibilities for eligibility determination, it would impose a state-mandated local program.

Under existing law, the state reimburses counties and certain other local agencies for the cost of providing health services to indigents, and allocates those reimbursements through the County Health Services Fund. Existing law authorizes counties with a population of not more than 300,000 to contract with the State Department of Health Services for the provision of indigent health care, and provides for the reimbursement of those state-administered county health services through reimbursements through the County Medical Services Program Account in the County Health Services Fund. Moneys in that account are required to be used by the department for health services for eligible county residents and to defray the department's administrative costs incurred in implementing that program.

This bill would, until July 1, 1991, delete authorization of the use of the funds for costs incurred by the department in the implementation of the local health care program, and instead,

require the funds be used for the local health care program and to pay for services for persons requiring emergency treatment, regardless of their county of residence.

The bill would, until July 1, 1991, establish the California Health Care for the Indigent Program (CHIP), through which the State Department of Health Services would be authorized to allocate appropriated funds to local agencies for the provision of health care to certain indigent persons. Eligible counties would be required to establish a local emergency medical services fund, with a physician services account, for the allocation of funds received by the county, pursuant to the CHIP program, to emergency physicians for the provision of emergency services, as defined, and would establish procedures for the reimbursement of those emergency physicians.

The bill would, until July 1, 1991, establish a procedure for the allocation of funds to each county receiving funds from the Medically Indigent Services Account in the County Health Services Fund for the provision of services to persons meeting certain Medi-Cal eligibility requirements, based on the percentage of newly legalized individuals under the federal Immigration Reform and Control Act (IRCA).

The bill would, until July 1, 1991, establish procedures for the allocation of fund amounts to qualified counties which provide for the provision of health care services to the indigent, to fund capital expenditures and equipment needs of local health facilities providing services to the uninsured and those who cannot afford their health care services.

Existing provisions, added pursuant to a ballot proposition approved by the voters in November of 1988, provide for taxes upon the distribution of cigarettes and tobacco products, at a specified rate and at a rate determined pursuant to specified criteria by the Board of Equalization. Those provisions require that revenues collected pursuant to those taxes only be available for appropriation for certain purposes, including the provision of health care for specified needy persons.

Existing law requires that moneys collected from these taxes be placed into 6 different accounts in the Cigarette and Tobacco Products Surtax Fund, including the Hospital Services Account and the Unallocated Account.

The bill would appropriate \$1,212,690,000 from the various accounts in the Cigarette and Tobacco Products Surtax Fund to the State Department of Health Services, the State Department of Mental Health, and the State Department of Education, for the purposes of this bill.

The bill would authorize the State Department of Health Services to adopt emergency regulations for the purposes of this bill.

The bill would exempt contracts entered into for the purposes of the bill from specified requirements of the Public Contract Code.

The bill would require the State Department of Health Services to

report to the Legislature, on or before, April 15, 1990, on the advisability of combining into a single program, funding for various programs for the indigent.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.